

Accessory Dwelling Structures (pursuant to SJR 53)

Presented by Albemarle County to the
Virginia Housing Commission

May 7, 2018

Albemarle County supports accessory apartments.

- We support them so much so that they are defined as a use in our ordinance.
- We have approved building permits for approximately 240 accessory apartments. However, more accessory apartments may exist if no building renovations were required or if the apartment was contemplated in the original construction. (The County has received no requests for Temporary Health Care Structures.)
- They are allowed by-right in every residential district.
- We have regulations to address the potential impacts.

Accessory Apartment Regulations

- Must be within the main dwelling. No detached structures. This maintains the character of the community.
- Limited to 35% of the floor area. This insures that the apartment truly is accessory to the main dwelling. It may also help to provide affordable housing options for tenants.
- Requires 3 parking spaces be provided to serve the main dwelling and the accessory apartment. This insures that parking does not become an issue that creates problems in the neighborhood.
- The accessory apartment is not calculated as a separate dwelling for purposes of calculating density. This allows any dwelling to have an accessory apartment.
- The owner must reside in the dwelling or the accessory apartment. This is consistent with the concept of providing additional income for the owner and allowing elderly or the disabled to live near family or have a caregiver live onsite.
- If the accessory apartment and main dwelling are not served by public water and sewer the Health Department must grant approval. This insures that adequate facilities are in place to protect the public health.
- The accessory apartment is not counted as a dwelling for purposes of density. However, it is counted when analyzing the number of dwellings accessing private streets. This insure that maintenance is fairly distributed between the users of the private street and that the street is designed to accommodate the anticipated traffic.

Concerns about statewide regulations

- Localities currently have adequate zoning authority to adopt regulations for accessory dwellings or even to permit them without regulation.
- Amendment of the Code of Virginia to require localities to permit accessory dwellings would restrict local ability to take into account the individual characteristics of each locality and areas and neighborhoods within each locality .
- Localities are best able to determine where accessory dwellings are appropriate.